

Report on the

Board of Examiners of

Assisted Living Administrators

Montgomery, Alabama



Department of

Examiners of Public Accounts

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August 20, 2008

Location:
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Representative Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

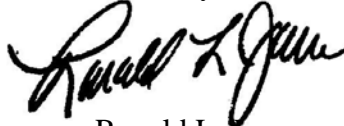
Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Board of Examiners of Assisted Living Administrators in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Board of Examiners of Assisted Living Administrators, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,



Ronald L. Jones
Chief Examiner

Examiners
Daniel Dupree
Christine Parish

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PROFILE

Purpose/Authority

The Board of Examiners of Assisted Living Administrators was created by Act 1057, *Acts of Alabama 2001*. The board provides and enforces standards for licensure and regulation of persons who serve, act, and practice as assisted living administrators. The *Code of Alabama 1975*, Sections 34-2A-1 through 34-2A-16 provides the statutory authority for the board's operations.

The board does not license or regulate assisted living facilities.

Characteristics

Members and Selection	<p>Nine (9) members appointed by the Governor from a list of nominees provided by the Assisted Living Association of Alabama, the Medical Association of Alabama, and the Alabama Nursing Home Association.</p> <p>At the time of this report, the board had three vacancies (physician and two licensed nursing home administrators).</p> <p><i>Code of Alabama 1975</i>, Section 34-2A-3 (a)</p>
Term	<ul style="list-style-type: none">• Three-year staggered terms• No more than two consecutive full terms• Members continue to serve until a successor has been appointed by the governor <p><i>Code of Alabama 1975</i>, Section 34-2A-3 (e)</p>
Qualifications	<ul style="list-style-type: none">• Citizen of the United States• Resident of Alabama• Five licensed and registered assisted living administrators• One physician licensed under Alabama law actively concerned in a practice with the care of chronically ill and infirm, aged patients• One licensed nursing home administrator who in the same or contiguous facility manages assisted living beds• Two consumer members not licensed by the board or employed in the assisted living profession, one 65 years of age or older. <p><i>Code of Alabama 1975</i>, Section 34-2A-3</p>

Racial Representation	No specific statutory requirement. One black member serving
Geographical Representation	No statutory requirement.
Consumer Representation	Two consumer members required. Two serving <i>Code of Alabama 1975</i> , Section 34-2A-3 (b)
Other Representation	The membership of the board shall be inclusive and reflect the racial, gender, geographical, urban/rural, and economical diversity of the state. <i>Code of Alabama 1975</i> , Section 34-2A-3 (a)
Compensation	Not less than \$50 or more than \$100 to be determined by the board. Currently, \$75/day for the time spent in the performance of official duties plus travel expense reimbursement at the same rate as state employees. <i>Code of Alabama 1975</i> , Section 34-2A-3 (h)
<u>Operations</u>	
Administrator	Amy Findley, Executive Director Appointed by the board Salary set by the board Annual salary \$24,960 (20 hours per week) <i>Code of Alabama 1975</i> , Section 34-2A-3 (j)
Location	Assisted Living Association Building 5921 Carmichael Road Montgomery, AL 36117

Examinations	<p>Examination developed by Savage Consultants, Inc., a professional testing service, administered and graded by the executive director</p> <p><u>Examination Statistics</u> ⁽²⁾</p> <table><tr><th>Year</th><th>Pass</th><th>Fail</th><th>Total</th></tr><tr><td>2004</td><td>60 (97%)</td><td>2 (3%)</td><td>62</td></tr><tr><td>2005</td><td>80 (100%)</td><td>0 (0%)</td><td>80</td></tr><tr><td>2006</td><td>93 (96%)</td><td>4 (4%)</td><td>97</td></tr><tr><td>2007</td><td>68 (97%)</td><td>2 (3%)</td><td>70</td></tr><tr><td>2008⁽¹⁾</td><td>57 (98%)</td><td>1 (2%)</td><td>58</td></tr></table> <p>⁽¹⁾Through May 30, 2008 ⁽²⁾Provided by executive director</p> <p><i>Code of Alabama 1975</i>, Section 34-2A-2 and 8</p>	Year	Pass	Fail	Total	2004	60 (97%)	2 (3%)	62	2005	80 (100%)	0 (0%)	80	2006	93 (96%)	4 (4%)	97	2007	68 (97%)	2 (3%)	70	2008 ⁽¹⁾	57 (98%)	1 (2%)	58
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2008 ⁽¹⁾	57 (98%)	1 (2%)	58																						
Renewals	<p>Annually, during the anniversary month of issuance.</p> <p>Online renewal is not available.</p> <p><i>Code of Alabama 1975</i>, Section 34-2A-12</p>																								
Licensees	<p><u>Category I License</u> (Assisted Living Facilities)</p> <p><u>Category II License</u> (Specialty Care Assisted Living Facilities)</p> <p><u>Provisional License</u> Issued to every applicant for licensure who passes Section A of the Category I examination or Section A of the Category II examination. A provisional licensee is qualified to administer an assisted living facility or a specialty care assisted living facility or a combination facility for nine months. (Administrative Rule 135-X-7.01)</p> <p>A provisional licensee who completes required classroom training and passes Section B of the Category I or II examinations is issued a full license.</p> <p><u>Licenses as of June 3, 2008</u></p> <table><tr><td>Category I</td><td>106</td></tr><tr><td>Category II</td><td>217</td></tr><tr><td>Active NHA,ALA</td><td>57 (grandfathered as Category I or II)</td></tr><tr><td>Provisional</td><td>57</td></tr><tr><td>Emergency Permits</td><td>2</td></tr><tr><td>Total</td><td>439</td></tr></table>	Category I	106	Category II	217	Active NHA,ALA	57 (grandfathered as Category I or II)	Provisional	57	Emergency Permits	2	Total	439												
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Reciprocity	<p>The board may grant reciprocity to an assisted living administrator:</p> <ul style="list-style-type: none"> • Who has been issued a license by another state or • Who has been issued a certificate of qualification by a national organization. <p>The other state or national organization must have maintained a system and standards of qualification and examinations that were substantially equivalent to those required in Alabama at the time of issue and the other state or national organization must give similar recognition to Alabama licensees.</p> <p>Current reciprocity with Georgia, South Carolina, California, and Arizona.</p> <p><i>Code of Alabama 1975</i>, Section 34-2A-11</p>
Continuing Education	<p>Category I Licensees – 12 hours annually Category II Licensees – 18 hours annually</p> <p><i>Code of Alabama 1975</i>, Section 34-2A-12</p>
Employees	One part-time employee
Legal Counsel	Bettie Carmack, Assistant Attorney General Attorney General's Office
Subpoena Power	Not in the board's enabling statutes
Internet Presence	<p>www.boeala.state.al.us</p> <p>Contents include the following:</p> <ul style="list-style-type: none"> • Home page with contact information • Board member listing • Description of the board • Schedule of Board Meetings • Copies of board minutes • Qualifications of licensure • Course approval • Classroom training and test dates • Rules and regulations • Fee schedule • Forms and applications • Links to Alabama Department of Public Health and the Assisted Living Association

Attended Board Member Training	Two board members
<u>Financial</u>	
Source of Funds	Licensing fees
State Treasury	Yes, Special Revenue Fund 1109 <i>Code of Alabama 1975</i> , Section 34-2A-6
Unused Funds	Retains unexpended funds. <i>Code of Alabama 1975</i> , Section 34-2A-6

SIGNIFICANT ITEMS

1. **The board's expenditures are exceeding its annual revenues.** For the last four fiscal years, the board's expenditures have exceeded its receipts. (See financial schedule on page 14 and chart on page 15). As of May 31, 2008, the board's receipts were \$47,820. The board's disbursements for the same period were \$49,710.85, a deficit of \$1,890.85. On May 1, 2008, the board decreased the cost of its property lease with the Alabama Assisted Living Association by approximately \$700 a month (original \$1,196.67; current \$450). This decrease should offset the current deficit if receipts remain steady.
2. **The board did not maintain records sufficient to verify information supplied for SMART Quarterly Performance Reports. In addition, annual performance data for the 2007 performance report was not provided.** The Director of Finance implemented a system of budgeting named SMART, an acronym for Specific, Measurable, Accountable, Responsive, and Transparent. The SMART system requires each agency to submit performance goals and objectives to the Department of Finance - the goals to be stated as long-term, multi-year targets, which are to be achieved through accomplishment of stated objectives, which are single-year targets. The agency reports its progress toward achievement of the objectives on annual Quarterly Performance Reports, which are available to the public at the state's Internet website.
<http://www.smartbudgeting.alabama.gov/FormsDownload/FormSelect.aspx>

The board submitted its 2007 and 2008 Operations Plans and Quarterly Performance Reports in the state's SMART Budgeting program as required. However, the board did not maintain records sufficient to allow the examiner to verify information supplied for the SMART Quarterly Performance Reports. Annual performance data was not provided for the 2007 fiscal year.

STATUS OF PRIOR FINDINGS AND SIGNIFICANT ITEMS

All prior findings and significant items are resolved, with the possible exception of the following significant item from last year's review by the Sunset Committee.

3. **Prior Significant Item - The board leases office space from the Assisted Living Association for \$264 per square foot, a very high rate compared to other office space in the area leased by state entities.** Prior to a decrease to \$264 per square foot that occurred on May 1, 2007 the board was leasing the space for \$420 per square foot. According to the Examiners of Public Accounts publication, Real Property Leased from Private Entities as of October 1, 2006, the average cost per square foot for office space in Montgomery is \$9.92. The board's lease includes a 10' x 10' furnished office including a computer and common space shared with the Assisted Living Association that includes a receptionist area and conference room.

This condition is a matter of concern to two of the three board members who responded to our questionnaire. One board member responded, "We have attempted to hire an independent executive director at the advice of the AG's Office due to conflict of Probable Cause Committee. We are getting pressure from the A.L.A.A., the board's advisor, not to follow instructions because according to them, we cannot afford it. We could if we didn't pay \$40,000 rent for office space in their office. We asked for lower rent. They agreed to 90 days "abatement." I believe that this lease did not clear office of lease Management and is unreasonable. The ALAA constantly tries to tell the board how to govern instead of advise. We are at a deficit because of rent!" A second responding board member stated that, "Additionally, we need to rework the rent schedule between the two entities."

A licensee responding to our questionnaire stated, "They also pay rent \$3,500 per month or \$42,000 annually. The board's budget is \$86,000. I have been to that office on at least two occasions. That office space is at best about 8 x 12. How is it ethical to pay \$42,000 for one room? They have supposedly rented the same furniture for a shared person for 5 years now. Could they have not purchased it by now? What did the Education Director (the association's half of the employee use) during this time? There has to be more affordable rent in Montgomery. The financial relationship between the board and association should be investigated. It is not fair that our license fees are so high and it looks to me that the board is funding the association. They get \$72,000 of the total budget. If it's not illegal, it certainly is unethical."

Before a state agency leases office space, the Office of State Buildings & Space Management within the Department of Finance is normally contacted for leasing options. The Office of State Buildings & Space Management has adopted uniform standards for allocation of facilities owned or leased by the state. Space Management also investigates all requests for additional facilities needed by state agencies and makes recommendations concerning the need for and the best method of allocating or

acquiring such facilities. The board's former executive director contacted Space Management in February, 2007 in search of some options to consider for lease. Space Management provided her with a list of rental properties in the same east Montgomery vicinity as the board's current office. Board records do not indicate any consideration of these options.

Prior Response from the agency:

Two previous audits by the Examiners of Public Accounts stated:

December 1, 2004 - The board owned no nonconsumable personal property. The board utilizes Office Space and equipment provided under contract by the Assisted Living Association of Alabama.

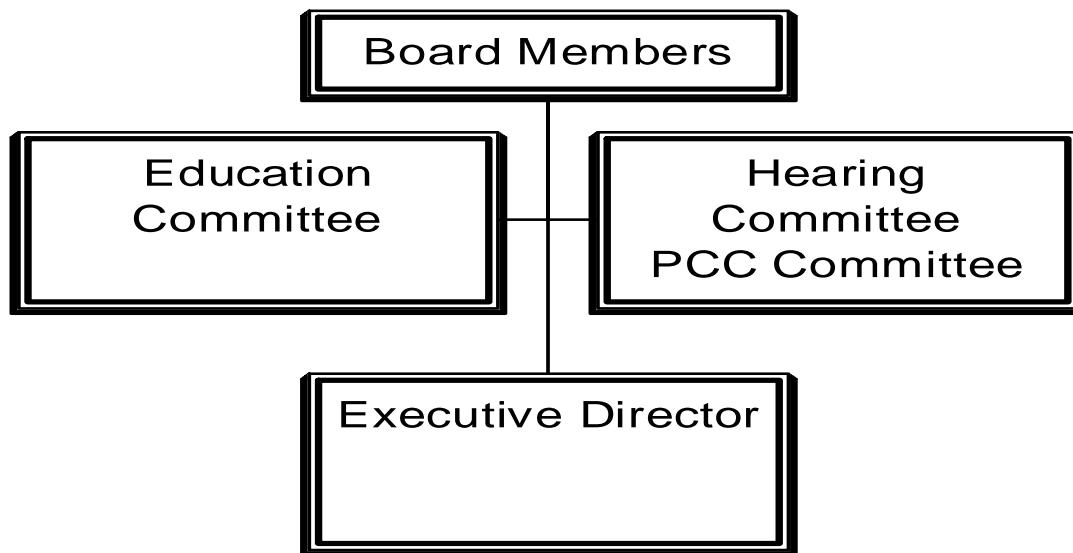
October 16, 2006 – The board owns no nonconsumable personal property. The board utilizes office space and equipment provided under contract by the Assisted Living Association of Alabama.

Our previous audits, including one by the author of this significant finding and one other sunset review have never questioned the lease arrangement nor found it to be in violation of any Code, statute or practice. The current lease has been approved by the Office of Space Management. This approval was signed by Governor Riley and by the State Finance Director, Jim Main, dated 7/27/07.

Current Status The issue appears to be somewhat resolved. During 2007 fiscal year, the board re-negotiated its lease. The lease agreement included 115 square feet of private, furnished, and equipped office space; 490 square feet of shared furnished board meeting space with audio/video equipment; 256 square feet of shared furnished reception area; dedicated facsimile, computer, telephone equipment, with local and long distance phone service; and high-speed internet connection at a price of \$14,360.04. The cost per square foot was \$124.87 based on the private space.

On April 11, 2008, the board and the ALAA agreed to a lease amendment. Currently the board is paying \$450 a month rent (\$5,400 annually) to the association. Payments of \$450 began May 2008. The cost per square foot is now \$47 based on the private space. The rent includes all utilities and the use of other rooms in the building. The board has its own fax line, telephone line, and internet service, which are paid separately by the board. The board provides rental insurance on the equipment it utilizes, which the association owns. Comparatively, according to the Lease Report for 2007, the average lease cost per square foot (office space only) for the state is \$10.13. The average lease cost per square foot (office space only) for the City of Montgomery is \$9.59.

ORGANIZATION



PERSONNEL

The board employs an executive director (white female) as an unclassified merit system employee. The executive director works part-time Monday through Friday from 8 a.m. until 12 p.m. Additional hours may be approved by the board.

Attorney Bettie Carmack is provided by the Attorney General's Office to furnish legal services to the board.

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee – 439 as of June 3, 2008

Number of Persons per Licensee in Alabama and surrounding States

	Population (est.)*	# Licensees	Persons/Licensee
Alabama	4, 627,851	439	10,542
Florida ⁽¹⁾	18,251,243	N/A	N/A
Georgia ⁽²⁾	9,544,750	N/A	N/A
Mississippi ⁽²⁾	2,918,785	N/A	N/A
Tennessee ⁽³⁾	6,156,719	450	13,682

* July 1, 2007 Census Bureau Population Estimates Report

⁽¹⁾ Florida administrators are not required to be licensed or certified; but are required to attend and pass a 26 hour course before employment as an administrator/ manager.

⁽²⁾ Georgia and Mississippi administrators are not required to be licensed or certified.

⁽³⁾ Tennessee administrators are required to be certified only.

Operating Disbursements per Licensee (2007 fiscal year) - \$189

Notification to Licensees of Board decisions to Amend Administrative Rules

The board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are not specifically notified of proposed changes.

Complaints

Since the Sunset Committee's review of the board's operations last year, the board received three complaints through May 31, 2008. All three allege unlicensed administrators administering assisted living facilities. Two complaints allege occurrences of drug thefts. All three are closed.

Investigation performed by	Initially, by the executive director
Initial documentation	<p>According to administrative rule 135-X-1-.01, complaints or charges against any licensee must be in writing on forms provided by the board. However, the executive director stated that complaints are received by other means, as well as in writing. Upon receipt of the complaint, the executive director logs the complaint and places a notation in the assisted living administrator's file. The board is notified of the complaint by the executive director at the next scheduled board meeting.</p> <p>The executive director notifies the individual against whom a complaint was made. The individual is given an opportunity to comment and present information regarding the complaint.</p>
Investigative phase	The Hearing Committee investigates and determines whether charges justify a hearing or dismissal. The Hearing Committee formerly consisted of three non-consumer members, one non-voting consumer member, and the board's legal counsel. Because the board now has only six members, the committee is being reduced to the legal counsel and one board member.
Anonymous complaints	Anonymous complaints are accepted.

Recommendation phase	<p>The executive director reports the Hearing Committee's findings and recommendations to the full board upon completion of the investigation.</p> <p>The committee will recommend (a) dismissal of the charges and closing of the complaint based on unfounded charges, (b) accept a proposed negotiated settlement agreement negotiated by the committee, or (c) proceed with disciplinary action based on the merit of the charges and the committee's findings.</p>
Formal hearings	<p>The licensee or applicant will be informed in writing of the disciplinary action approved by the board at which time the individual is entitled to a formal hearing. At the hearing the individual may be advised by counsel at his/her own choosing and expense, who must file a Notice of Appearance with the board in writing at least 15 days prior to the hearing date. All proceedings are heard by a quorum of the board. Decisions to discipline any licensee require a vote of two thirds of the professional members present.</p>
Investigative board member status during hearing	<p>Board members involved in the investigation abstain from voting on any action regarding the complaint.</p>

SMART BUDGETING

The Director of Finance implemented a system of budgeting named SMART, an acronym for Specific, Measurable, Accountable, Responsive, and Transparent. The SMART system requires each agency to submit performance goals and objectives to the Department of Finance - the goals to be stated as long-term, multi-year targets, which are to be achieved through accomplishment of stated objectives, which are single-year targets. The agency reports its progress toward achievement of the objectives on annual Quarterly Performance Reports, which are available to the public at the state's Internet website. <http://www.smartbudgeting.alabama.gov/FormsDownload/FormSelect.aspx>

The board submitted its 2007 and 2008 Operations Plans and Quarterly Performance Reports in the state's SMART Budgeting program as required. However, the board did not maintain records sufficient to verify information supplied for the SMART Quarterly Performance Reports.

The board's SMART Quarterly Performance Reports for the 2007, and 2008 fiscal years are included in the Appendices of this report.

The board's performance goals and objectives for the 2007 and 2008 fiscal years and the examiner's comments are presented in the following tables:

2007 GOALS	COMMENTS
1. To ensure that only qualified persons enter the profession.	This is a statement of the board's mission, not a performance goal. It does not address how well a board activity is done. There are no directly related objectives; consequently, progress toward achievement was not reported.
2. To maintain essential information on all licensed assisted living administrators in Alabama.	This is a workload statement, not a performance goal. It does not address how well a board activity is done. There are no directly related objectives; consequently, progress toward achievement was not reported.
3. To resolve all complaints satisfactorily within a standard amount of time.	No target level of performance is given. There are no directly related objectives; consequently, progress toward achievement was not reported.

2007 OBJECTIVES	Performance Indicator	Projected	Actual	COMMENTS
1. Cost per licensee will stay the same.	No. of licenses /program cost	157	0	No specific target level of performance was stated within the objective (cost not stated). Actual performance was not stated. Achievement of intended performance level cannot be ascertained.
2. Reduce administrative time required to process monthly renewal license.	Renewal licenses/hrs	14	0	No time stated from which to determine if time was reduced. Annual data not provided Quarterly performance data reported are a "best guess" figure and were not derived from records of processing time.

3. Reduce administrative time required to process CEU requests and approvals.	CEU requests & approvals /hrs	.04	0	No time stated from which to determine if time was reduced. Quarterly performance data reported are a “best guess” figure and were not derived from records of processing time.
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2008 GOALS	COMMENTS
To effectively maintain the licensing process with no more than a 10% increase through the year 2011.	The goal does not define what increase is to be held at no more than 10%. There is a directly related objective.

2008 OBJECTIVES	Performance Indicator	Target	Actual	COMMENTS
Maintain cost per licensee.	Cost per licensee	157	N/A Year not ended	Objective and performance indicator are the identical. Performance indicator should be “\$”.

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

The **Alabama Department of Public Health** licenses and regulates assisted living facilities. Surveys of facilities performed by the ADPH can produce information that may affect the licensure of the administrator of a surveyed assisted living facility.

The **Assisted Living Association of Alabama** - According to its website, the Assisted Living Association of Alabama represents more than three hundred providers and advocates for senior issues in Alabama. The Association submits nominees to the governor for board appointment to the three assisted living administrator positions. In addition, the association’s governing body is the advisory council to the board. The board is required to counsel with the advisory council in connection with administering its statutory obligations. (*Code of Alabama 1975*, Section 34-2A-7) The continuing education committee approves courses of study. The committee consists of the board’s executive director, a board member who is licensed assisted living administrator, and one

member of the advisory council. Licensees obtain continuing education from training provided by the association at a cost of \$450.

The association's educational director is also the executive director of the board.

FINANCIAL INFORMATION

The board operates from the State Treasury utilizing Fund 1109. The board's operating funds are derived from license and permit fees collected by the board. The fund balance at fiscal yearend is retained for subsequent use by the board.

Schedule of Fees

Type	Statutory Authority – Code of Alabama 1975*	Amount
Initial Application	§34-2A-10 (a) (2)	\$50.00
Examination	§34-2A-8 (a) (7)	\$125 for each Section A/B
License	§34-2A-12 10 (a)	\$100
License Renewal	§34-2A-12 (b)	\$150
Reciprocity Questionnaire	§34-2A11 (a) (2)	\$50
Late Renewal Penalty	§34-2A-12 (d) (2)	\$250
Inactive Reactivation	§34-2A-12 (f)	\$250
Bad Check Fee	§8-8-15	\$30
Emergency Permit	§34-2A-10 (b)	\$200
Administrative License	§34-2A-11 (a)	\$75
Administrative Fine	§34-2A-13 (a)	\$1,000
Classroom Training	n/a**	\$450

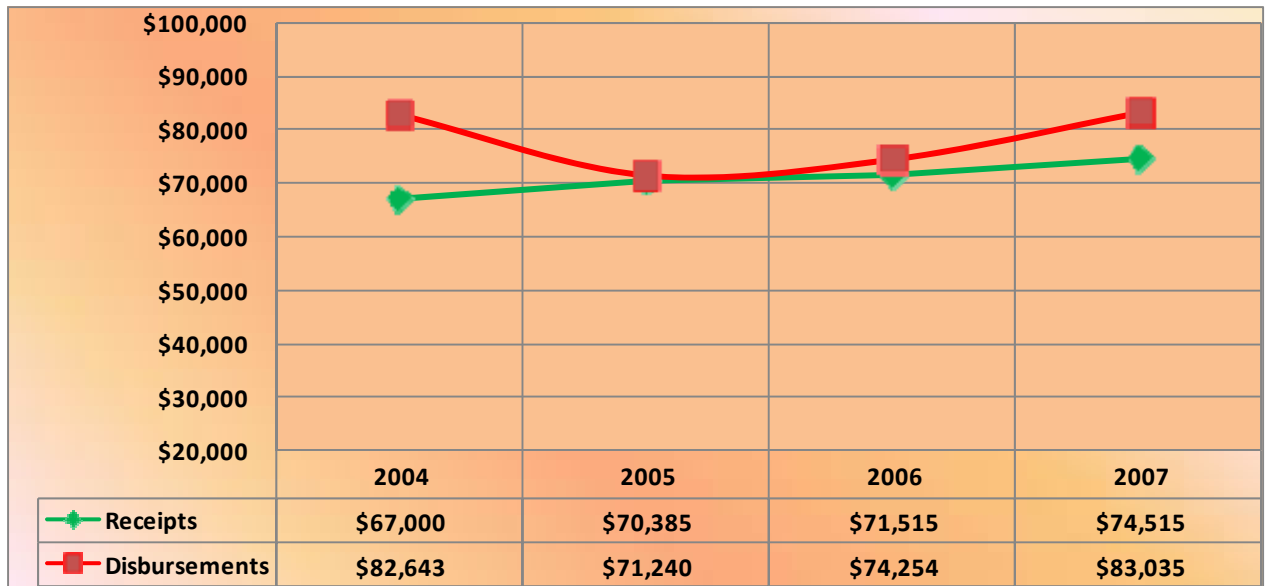
* All fees are listed in the board's Administrative Code as Rule 135-X-13.01

** The Board of Directors of the Assisted Living Association of Alabama developed the classroom training program for continuing education and set the fee. Payments are made by the participants directly to the Assisted Living Association of Alabama.

Schedule of Receipts, Disbursements, and Balances

	2006-2007	2005-2006	2004-2005	2003-2004
<u>Receipts</u>				
License Fees	\$ 74,985.00	\$ 71,515.00	\$ 70,385.00	\$ 67,400.00
<u>Disbursements</u>				
Personnel Costs	23,660.99	4,922.60	1,125.00	26,492.82
Employee Benefits	6,626.00	376.59	86.06	6,064.42
Travel In-State	2,819.58	1,319.03	1,238.86	1,202.62
Rentals & Leases	27,883.35	38,500.00	38,100.00	33,600.00
Utilities & Communications	125.25	191.25		
Professional Services	21,602.44	28,691.01	30,531.19	13,564.50
Supplies, Materials & Operating Exps	317.00	254.15	158.90	1,718.49
Total Disbursements	83,034.61	74,254.63	71,240.01	82,642.85
Excess (Deficiency) of Receipts over Disbursements	(8,049.61)	(2,739.63)	(855.01)	(15,242.85)
Cash Bal at Beginning of Yr	35,005.81	35,860.82	35,860.82	51,103.67
Cash Bal at End of Yr	26,956.20	33,121.19	35,005.81	35,860.82
Reserved for Unpaid Obligations	(7,626.67)	(11,204.56)	-	(356.83)
Unobligated Cash Balance	\$ 19,329.53	\$ 21,916.63	\$ 35,005.81	\$ 35,503.99

Operating Receipts Vs Operating Disbursements (Chart)



APPENDICES

SMART Performance Reports

Smart Quarterly Performance Report											
Fiscal Year: 2007											
Agency: 374 Assisted Living Administrators, Board of Examiners of											
Org:											
Program: 653 PRO AND OCCU LICENSING AND REG											
Activity:											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Workload/Cost Factor	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
WC1: Number of applicants for examination will remain unchanged	90	15	0	15	0	15	13	15	16	60	0
WC2: Number of licensed ALA will remain unchanged	990	50	0	100	0	150	150	250	155	550	0
Staffing	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
ST1: FTE will remain stable- increase from 1.0 to 1.5	No. of FTE staff	1.0	0	1.0	0	1.0	1	1.0	1	1.0	0
Efficiency	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
EF1: Cost per licensee	No. of Licensees/Program Cost	157	0	157	0	157	157	157	157	157	0
Quality	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual
QU1: Reduce administrative time required to process monthly renewal license	(renewal licenses/mth.)	14	0	14	0	14	14	14	14	14	0
QU2: Reduce administrative time required to process CEU requests and approvals	(CEU requests & approvals/mth.)	0.4	0	0.4	0	0.4	0.3	0.4	0.5	0.4	0

How have policy decisions and budget determinations made by the governor and the legislature in the fiscal year 2006-07 affected your agency in meeting its desired accomplishments and services?
No Answer Available
What administrative improvements did your agency make in fiscal year 2006-07 and what potential improvements do you foresee for future years? Include suggested changes in legislation or administrative procedures which would aid your agency in these improvements.
No Answer Available

SMART Quarterly Performance Report 2008

Agency	374 – Assisted Living Administrator, Board of Examiners of				Program:		653 – PRO AND OCCU LICENSING AND REG			
Organization:	-				Activity:		-			
Mission:	Licensing and Regulation of Assisted Living Administrators									
Workload Measures and Quarterly Projections										
	First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Workload Measure	Projected	Actual	Projected	Actual	Projected	Actual*	Projected	Actual*	Projected	Actual*
W1: Number of applicants for examinations will remain unchanged	15	28	15	23	15	0	15	0	60	0
W2: Number of licensed ALA will remain unchanged	137	44	137	90	137	00	137	00	550	0
* Actual workload data is not currently available for this quarter.										

Agency	374 – Assisted Living Administrator, Board of Examiners of			Program:		653 – PRO AND OCCU LICENSING AND REG						
Organization:	-			Activity:		-						
Key Goal:												
Goal 1	To effectively maintain the licensing process with no more than a 10% increase thru the year 2001.								Governor’s Priority:		6	
Objectives and Quarterly Targets:												
Performance Measures			First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Objectives		Unit of Measure	Target	Actual	Target	Actual	Target	Actual*	Target	Actual*	Target	Actual*
(O1-Efficiency) Maintain cost per license.		Cost per licensee	157	157	157	157	157	0	157	0	157	0
* Actual performance data is not currently available for this quarter.												

Statutes

CHAPTER 2A. ASSISTED LIVING ADMINISTRATORS.

§ 34-2A-1. Definitions. For purposes of this chapter, the following terms shall have the following meanings:

(1) Assisted living administrator. Any individual who is charged with the general administration of an assisted living facility or a specialty care assisted living facility, whether or not the individual has an ownership interest in the facility, and whether or not his or her functions and duties are shared with one or more other individuals.

(2) Assisted living facility. Any facility, including both assisted living facilities and specialty care assisted living facilities, that is defined as such for licensing purposes pursuant to Section 22-21-20. For purposes of this chapter, the term "assisted living facility" shall not include family assisted living facilities as the term is defined in the rules and regulations promulgated by the Department of Public Health.

(3) Board. The Board of Examiners of Assisted Living Administrators of the State of Alabama.

(4) Executive director. The executive director of the board.

(5) Practice of assisted living administration. The planning, organizing, directing, and control of the operation of an assisted living facility.

(6) Provisional assisted living administrator. An individual who has been issued a provisional license by the board.

(7) Provisional license. A temporary license issued to a provisional assisted living administrator by the board.

(Act 2001-1057, 4th Sp. Sess., p. 1032, § 1; Act 2004-73, p. 90, § 3.)

§ 34-2A-2. License required; permission to supervise multiple facilities.

(a) All administrators of assisted living facilities or specialty care assisted living facilities as recorded in the records of the State Department of Public Health shall be issued a provisional license, as defined herein, upon the effective date of this act. On and after September 1, 2003, no assisted living facility in the state may operate unless it is under the supervision of an administrator who holds a currently valid assisted living administrator's license, or new initial provisional license, issued by the board. No person shall practice or offer to practice assisted living administration in this state or use any title, sign, card, or device to indicate that he or she is an assisted living administrator unless the person shall have been duly licensed as an assisted living administrator or as a provisional assisted living administrator. In the event an assisted living administrator dies, unexpectedly resigns, becomes incapacitated, or has his or her license revoked, the person or persons then responsible for the management of the assisted living facility shall immediately notify the board and the State Board of Health. The board may issue an emergency permit to a person performing the functions of administrator in the assisted living facility for a reasonable period of time from the date of death, unexpected

resignation, incapacitation, or revocation of the license of the assisted living administrator, but not to exceed 120 days. Although the State Board of Health, in its discretion, may permit the assisted living facility to continue to operate under the supervision of a person issued an emergency permit, nothing in this section shall be construed as prohibiting the State Board of Health from denying or revoking the license of the assisted living facility where the State Board of Health has determined that the person with the emergency permit does not demonstrate an ability or willingness to comply with State Board of Health rules governing assisted living facilities or where the State Board of Health has determined that the facility is not otherwise in compliance with those rules.

(b) Nothing in this section shall be construed to prohibit a licensed assisted living administrator from supervising more than one assisted living facility if specific permission is granted by the State Department of Public Health.

(Act 2001-1057, § 2.)

§ 34-2A-3. Board of Examiners of Assisted Living Administrators.

(a) There is created a Board of Examiners of Assisted Living Administrators composed of nine members, seven members as set out in this subsection, and two additional consumer members as set out in subsection (b). The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. The seven original members shall be composed as follows: Five members shall be assisted living administrators duly licensed and registered under this chapter; one member shall be a physician licensed under the laws of the state who is actively concerned in a practice with the care of chronically ill and infirm, aged patients; and one shall be a licensed nursing home administrator who in the same or contiguous facility manages assisted living beds. Appointments to the board for those positions to be held by assisted living administrators shall be made by the Governor from a list of three nominees for each position to be submitted to the Governor by the Assisted Living Association of Alabama, Inc. The appointment of the nursing home administrator shall be made from a list of three nominees submitted to the Governor by the Alabama Nursing Home Association, Inc. The appointment to the board of the member for the position to be held by a physician shall be made from a list of three nominees submitted to the Governor by the Medical Association of the State of Alabama.

(b) Within 30 days of March 1, 2002, the Governor shall appoint two consumer members of the board. The consumer members shall vote in all matters except licensure or discipline of licensees or applicants. At least one consumer member shall be 65 years of age or older and no consumer member, or a spouse or immediate family member of a consumer member, shall be a licensee of the board or be employed in the assisted living profession.

(c) When the terms of all members of the board expire in April 2005, the Governor shall appoint five members to two-year terms and four members to three-year terms as follows: Three assisted living administrators, the licensed nursing home administrator, and one consumer member shall be appointed to two-year terms; two assisted living administrators, the licensed physician, and one consumer member shall be appointed to three-year terms. Thereafter, all members shall serve three-year terms of office.

(d) All members of the board shall be citizens of the United States and shall be residents of the state.

(e) Except as otherwise provided in this section, each member shall serve three-year staggered terms and no board member shall serve more than two consecutive full three-year terms. All members shall continue to serve until the Governor appoints a successor.

(f) The Governor may remove any board member for misconduct, incapacity, incompetence, or neglect of duty after the board member so charged has been served with a written statement of charges and has been given an opportunity to be heard. Absence from any three consecutive meetings of the board within a calendar year, without cause acceptable to the Governor and the board, shall be deemed cause for removal.

(g) Any vacancy created by the death, resignation, or removal of any board member shall be filled by the Governor for the unexpired term in the same manner as required by this chapter to make appointments.

(h) Each member of the board shall receive a per diem fee of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) to be determined by the board for the time spent in the performance of official duties. Each member shall be reimbursed for all necessary and proper travel and incidental expenses incurred in implementing this chapter as is provided to state employees by the laws of the state and regulations of the State Personnel Director. In setting the per diem fee, the board shall give due consideration to funds which are available for that purpose.

(i) The board shall hold four or more meetings a year. A majority of the members of the board shall constitute a quorum at any meeting except as provided in Section 34-2A-13. A majority vote of the members present shall be sufficient to transact the business of the board except as provided in Section 34-2A-13. Meetings may be called by the chair or by a majority of the members of the board. Members shall be given seven days' written notice of all meetings.

(j) The board shall annually elect from its members a chair and a vice-chair, at the first meeting of the board held after October 1 of each year, and each shall serve until the first meeting held after October 1 of the following year. In the event of the death, resignation, or removal of the chair from the board, the vice-chair shall succeed as chair for the remainder of the unexpired term. In the event of the death, resignation, removal, or succession to the office of chair or a vice-chair, a successor shall be elected by the board to fill the remainder of the unexpired term as vice-chair. The chair, or in the absence of the chair, the vice-chair, shall preside at all meetings of the board. The chair of the board may appoint an executive director to the board, with the consent of the members of the board, who shall serve at the pleasure of the board. The board shall fix the salary of the executive director. The executive director shall be the executive officer to the board but may not be a member of the board. The executive director shall have those powers and shall perform those duties as are prescribed by law and the rules and regulations of the board. A clerk and sufficient deputy clerks to adequately assist the board and executive director in the keeping of the records and in the performance of their duties may be appointed by the board subject to the Merit System.

(k) The board is subject to the Alabama Sunset Law of 1981, and is classified as an enumerated agency pursuant to Section 41-20-3. The board shall automatically terminate on October 1, 2004, and every four years thereafter, unless a bill is passed that the board be continued, modified, or reestablished.

§ 34-2A-4. Powers and duties of board.

(a) It shall be the function and duty of the board to perform the following:

(1) Develop, impose, and enforce standards which shall be met by individuals in order to receive a license as an assisted living administrator, which standards shall be designed to insure that assisted living administrators will be individuals who are of good character and are otherwise suitable and who, by training or experience in the field of institutional administration, are qualified to serve as assisted living administrators.

(2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets these standards.

(3) Issue licenses to individuals determined, after application of the techniques, to meet these standards and revoke or suspend licenses previously issued by the board in any case where the individual holding any license is determined substantially to have failed to conform to the requirements of these standards.

(4) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board to the effect that any individual licensed as an assisted living administrator has failed to comply with the requirements of these standards.

(5) Establish and carry out procedures designed to insure that individuals licensed as assisted living administrators will, during any period that they serve as such, comply with the requirements of these standards.

(6) Conduct a continuing study and investigation of assisted living facilities and administrators of assisted living facilities within the state with a view to the improvement of the standards imposed for the licensing of these administrators and of procedures and methods for the enforcement of these standards with respect to administrators of assisted living facilities who have been licensed as such.

(b) The board may develop, impose, and enforce additional standards which shall be met by individuals in order to receive additional certification and/or license as a specialty care assisted living administrator, which standards shall be designed to insure that specialty care assisted living administrators will be individuals who are of good character and are otherwise suitable and who, by training or experience in the field of institutional administration, are qualified to serve as assisted living administrators.

(c) The board shall have the authority to perform the following:

(1) Make rules and regulations, not inconsistent with law, as may be necessary for the proper performance of its duties, and to take other actions as may be necessary for the proper performance of its duties.

(2) Establish, provide, or approve various education programs or courses for assisted living administrators, and prescribe rules and regulations requiring applicants for licenses as assisted living administrators to attend certain programs or courses as a prerequisite to their being admitted to the examination or issued a license and requiring licensed assisted living administrators to attend these programs or courses as a prerequisite to their being issued any license renewal.

(Act 2001-1057, § 4.)

§ 34-2A-5. Rule-making.

The Alabama Administrative Procedure Act shall govern all rule-making proceedings of the board.

(Act 2001-1057, 4th Sp. Sess., p. 1032, § 5.)

§ 34-2A-6. Board of Examiners of Assisted Living Administrators Fund.

There is hereby established a separate special revenue trust fund in the State Treasury to be known as the Board of Examiners of Assisted Living Administrators Fund. All receipts collected by the board under the provisions of this chapter shall be deposited into this fund and shall be used only to carry out the provisions of this chapter. Receipts may be disbursed only by warrant of the state Comptroller upon the State Treasury, upon itemized vouchers approved by the chair of the board. No funds may be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-98, inclusive, and Section 41-19-12, and only in amounts as stipulated in the general appropriation bill or other appropriation bills. A financial audit shall be conducted by the Examiners of Public Accounts of all receipts and expenditures, and a written report of the audit shall be given to each board member.

(Act 2001-1057, 4th Sp. Sess., p. 1032, § 6.)

§ 34-2A-7. Advisory council.

The governing body of the Assisted Living Association of Alabama, Inc., shall constitute an advisory council to the board, and the board shall be required to counsel with the advisory council in connection with the administration of this chapter. (Act 2001-1057, 4th Sp. Sess., p. 1032, § 7.)

§ 34-2A-8. Requirements for examination; fees.

(a) The board shall admit to examination for licensure as an assisted living administrator any candidate who submits evidence of good moral character and suitability as prescribed by the board and who submits evidence to the board that he or she is at least 19 years of age, a citizen of the United States, or that he or she has duly declared his or her intention of becoming a citizen of the United States, that he or she is a high school graduate or has completed an educational program equivalent thereto, and that he or she has completed any additional educational requirements prescribed by the board. The board may exempt the educational requirements for practicing administrators on March 1, 2002, based on acceptable experience and tenure in the applicant's current position. Each candidate shall also be required, prior to admission to the examination, to pay an examination fee established by the board pursuant to its rule-making authority.

(b) The board may establish an application fee for the internship or administrator in training (AIT) program, if such a program is established, and a fee for preceptor, certification, and recertification of any administrator in training (AIT) program pursuant to its rule-making authority. (Act 2001-1057, § 8.)

§ 34-2A-9. Examination.

(a) The board shall determine the subjects of examinations for applicants for licensure as assisted living administrators, or licensure or certification of specialty care assisted living administrators if established, and the scope, content, and format of the examinations, which in any examination shall be the same for all candidates. The examinations shall include examination of the applicant to demonstrate his or her proficiency in the rules and regulations of health and safety; provided, however, that the examination given to initial provisional licensees shall be limited to these rules and regulations. The examinations may consist of written or oral questions, or both.

(b) Examinations shall be held at least four times each year, at times and places designated by the board. (Act 2001-1057, § 9.)

§ 34-2A-10. Issuance of license.

(a) The board shall issue a license to an applicant, on a form provided for that purpose by the board, certifying that the applicant has met the requirements of the laws, rules, and regulations entitling him or her to serve, act, practice, and otherwise hold himself or herself out as a duly licensed assisted living administrator and has paid a fee established by the board pursuant to its rule-making authority for original licensure,

provided the applicant meets all of the following qualifications:

(1) Has successfully complied with the educational and training requirements of this chapter and of the rules and regulations of the board promulgated under this chapter.

(2) Has paid an application fee established by the board pursuant to its rule-making authority for all applicants.

(3) Has qualified for and passed the examination provided for in this chapter.

(b) The board may establish and collect a fee pursuant to its rule-making authority for the issuance of a temporary emergency permit issued pursuant to Section 34-2A-2.

(Act 2001-1057, 4th Sp. Sess., p. 1032, § 10.)

§ 34-2A-11. Administrators licensed in other state; licensed nursing home administrators; acute care hospital administrators, etc.

(a) The board may, subject to this chapter and the rules and regulations of the board prescribing the qualifications for an assisted living administrator license, issue a license to an assisted living administrator who has been issued a license by the proper authorities of any other state or issued a certificate of qualification by any national organization, upon complying with the provisions of licensure, payment of a fee established by the board pursuant to its rule-making authority, and upon submission of evidence satisfactory to the board of all of the following:

(1) That the other state or national organization maintained a system and standards of qualification and examinations for an assisted living administrator license or certificate which were substantially equivalent to those required in this state at the time the other license or certificate was issued by the other state or national organization.

(2) That the other state gives similar recognition and endorsement to assisted living administrator licenses of this state. The board may charge a fee for completion of a reciprocity questionnaire, pursuant to its rule-making authority.

(b) Any person who has a license in good standing, and continuously maintains such license as a licensed nursing home administrator, shall be exempt from the licensure requirement herein if the person at the time of application has responsibility for administration of an assisted living facility subject to the following conditions:

(1) If the person wishes to also be issued a license as an assisted living administrator, the person shall pay an administrative fee as determined by the board and document initially and annually thereafter the good standing of the nursing home administrator license.

(2) If any person requests an exemption from the licensure requirements provided herein during the initial 18-month licensing period described in subsection (a) of Section 34-2A-2, the initial license issued shall be a provisional license until the end of the 18-month period at which time, and thereafter, an active license shall be issued.

(3) Any assisted living administrator license issued according to subdivision (1) or subdivision (2) of this subsection shall become void if the requisite nursing home administrator license becomes void. Further, the license shall become inactive, as described in subsection (e) of Section 34-2A-12, if the licensee no longer has responsibility for an assisted living facility. After 12 months in inactive status, the

license shall expire and become void.

(c) Any person who is an administrator/chief executive officer of an acute care hospital shall be exempt from the licensure requirement herein if the person at the time of application has responsibility for administration of an assisted living facility subject to the following conditions:

(1) If the person wishes to also be issued a license as an assisted living administrator, the person shall pay an administrative fee as determined by the board and document initially and annually thereafter their continued employment as an administrator/chief executive officer of an acute care hospital.

(2) If any person requests an exemption from the licensure requirements provided herein during the initial 18-month licensing period described in subsection (a) of Section 34-2A-2, the initial license issued shall be a provisional license until the end of the 18-month period at which time, and thereafter, an active license shall be issued.

(3) Any assisted living administrator license issued according to subdivision (1) or subdivision (2) of this subsection shall become void if the person no longer is the administrator/chief executive officer of a hospital. Further, the license shall become inactive, as described in subsection (e) of Section 34-2A-12, if the licensee no longer has responsibility for an assisted living facility. After 12 months in inactive status, the license shall expire and become void.

(4) For the purpose of this subsection, the term "acute care hospital" shall be defined as a health institution planned, organized, and maintained for offering to the public generally facilities and beds for use in the diagnosis and/or treatment of illness, disease, injury, deformity, abnormality, or pregnancy, when the institution offers such care of service for not less than 24 consecutive hours in any week to two or more individuals not related by blood or marriage to the owner and/or chief executive officer/administrator, and, in addition, the hospital may provide for the education of patients, medical and health personnel, as well as conduct research programs to promote progress and efficiency in clinical and administrative medicine.

(Act 2001-1057, 4th Sp. Sess., p. 1032, § 11.)

1 Ala. Admin. Code 135-X-13-.01, Board of Examiners of Assisted Living Administrators; Fees.

§ 34-2A-12. Renewal, expiration of license; inactive status; maintenance of records; continuing education.

(a) Every individual who holds a valid current license as an assisted living administrator issued by the board under this chapter shall immediately upon issuance have the right and privilege of acting and serving as an assisted living administrator and of using the abbreviation "A.L.A." after his or her name. Thereafter, the individual shall annually be required to make application to the board for a renewal of license and to report any facts requested by the board on forms provided for that purpose.

(b) Upon making application for a renewal of a license, the individual shall pay an annual license fee established as determined by the board pursuant to the rule-making authority and, at the same time, shall submit evidence satisfactory to the board that during the year immediately preceding application for renewal he or she has complied with the requirements of the board concerning the continuation of education of assisted living

administrators.

(c) Upon receipt of the application for renewal of a license, the renewal fee, and the evidence with respect to continuing education, the board shall issue a license renewal to the assisted living administrator.

(d)(1) Failure to secure an annual renewal of a license based on a failure to meet the continuing education requirements, shall result in the expiration of the license. An expired license may not be reactivated. All persons holding an expired license shall be required to submit a new application and follow all procedures for licensure of a new applicant.

(2) A licensee who complies with the continuing education requirements, but who does not renew within 90 days following its due date, shall be deemed delinquent and may renew within the 90-day period by paying a late renewal fee established by the board pursuant to its rule-making authority. A license that is not renewed within the 90-day period shall be deemed expired and is subject to reapplication as provided in subdivision (1).

(e) A licensee who holds a current license and who is not practicing as an assisted living administrator may place that license into an inactive status upon written application to the board. Any licensee whose license has been placed on inactive status may not engage in the practice of assisted living administration.

(f) A licensee whose license is on inactive status who wishes to reactivate that license may do so by making application to the board. The applicant shall attach proof of having completed twice the annual hours' requirement of approved continuing education credits within one year of making application for license reactivation and shall pay a reactivation fee established by the board pursuant to its rule-making authority. A licensee may not have his or her license in inactive status for more than five years. After five years in inactive status, the license automatically expires.

(g) The board shall maintain a file of all applications for licensure that includes the following information on each applicant: Residence, name, age, the name and address of his or her employer or business connection, the date of application, educational experience qualifications, action taken by the board, serial numbers of licenses issued to the applicant, and the date on which the board acted on or reviewed the application.

(h) The board shall maintain a list of current licensees of the board and shall furnish the list on demand to any person who pays a fee established by the board pursuant to its rule-making authority. The State Department of Public Health and other state agencies with a direct need shall be provided copies at no cost.

(i) The board shall adopt a program for continuing education for its licensees by September 1, 2002. After that date, successful completion of the continuing education program by board licensees shall be required in order to obtain a renewal license.

(j) Continuing education shall not result in a passing or failing grade.
(Act 2001-1057, 4th Sp. Sess., p. 1032, § 12.)

§ 34-2A-13. Disciplinary actions; review.

(a) The board may discipline its licensees by the adoption and collection of administrative fines, not to exceed one thousand dollars (\$1,000) per violation, and may institute any legal proceedings necessary to effect compliance with this chapter.

(b) The license of any person practicing or offering to practice assisted living administration may be revoked or suspended by the board, or the person may be reprimanded, censured, or otherwise disciplined in accordance with the provisions of this section upon decision and after due hearing in any of, but not limited to, the following cases:

(1) Upon proof that the person has willfully or repeatedly violated any of the provisions of this chapter or the rules enacted in accordance with this chapter.

(2) Conduct or practices deemed to be detrimental to the lives, health, safety, or welfare of the residents or patients of any assisted living facility or health care facility in this state or any other jurisdiction.

(3) Conviction in this state or any other jurisdiction of a felony or any crime involving the physical, sexual, mental, or verbal abuse of an individual.

(4) Conviction in this state or any other jurisdiction of any crime involving fraud.

(c) The board shall have the jurisdiction to hear all charges brought under this section against any person having been issued a license as an assisted living administrator or having been issued a license as a provisional assisted living administrator and, upon a hearing, shall determine the charges upon their merits. If the board determines that disciplinary measures should be taken, the board may revoke his or her license, suspend him or her from practice, or reprimand, censure, or otherwise discipline the person.

(d) All proceedings under this section shall be conducted by the board, according to its administrative rules, and the Alabama Administrative Procedure Act.

(e) Any party aggrieved by a final decision or order of the board suspending, revoking, or refusing to issue a license is entitled to a review of the decision or order by taking an appeal to the circuit court of the county in which the assisted living administrator or applicant resides. In such cases, the appeal shall be taken by filing notice thereof with the circuit court within 30 days of the date of notice by the board of its decision. Appeals from any order or judgment rendered thereon by the circuit court to the Supreme Court of Alabama shall be available as in other cases.

(f) The board shall report to the Department of Public Health all final disciplinary actions taken under this section.

(Act 2001-1057, § 13.)

§ 34-2A-14. Reissuance of license.

The board may, for good cause shown upon such terms as the board may prescribe, reissue a license to any person whose license has been revoked.

(Act 2001-1057, § 14.)

§ 34-2A-15. Violations.

(a) It shall be a misdemeanor for any person to commit any of the following:

(1) Sell or fraudulently obtain or furnish any license or aid or abet in selling or fraudulently obtaining or furnishing any license.

(2) Practice as an assisted living administrator under cover of any license illegally or fraudulently obtained or unlawfully issued.

(3) Practice as an assisted living administrator or use in connection with his or her

name any designation tending to imply that he or she is an assisted living administrator unless duly licensed to so practice under this chapter.

(4) Practice as an assisted living administrator or use in connection with his or her name any designation tending to imply that he or she is an assisted living administrator during the time his or her license issued under this chapter shall be expired, suspended, or revoked.

(5) Otherwise violate any of the provisions of this chapter.

(b) A violation of this chapter shall be a Class C misdemeanor punishable as provided by law.

(Act 2001-1057, § 15.)

§ 34-2A-16. Construction of chapter.

Nothing in this chapter shall be construed so as to limit, conflict with, or diminish the authority granted to the State Board of Public Health to license and regulate assisted living facilities pursuant to Chapter 21 of Title 22. The board may not set any requirement, promulgate any rule, or take any action in conflict with the rules of the State Board of Public Health.

(Act 2001-1057, § 16.)

Board Members



Amy Findley
Executive Director

State of Alabama Board of Examiners of Assisted Living Administrators

5921 Carmichael Road
Montgomery, Alabama 36117
www.boeala.state.al.us

Telephone: (334) 271-2418
Fax: (334) 271-2420

To: Daniel Dupree
From: Amy Findley
Date: July 15, 2008
Re: Current Board Members

A handwritten signature in cursive script that reads "Amy Findley".

The following list is the current Board members for the Board of Examiners of Assisted Living Administrators.

Rita VanDyke
140 Pepper Lane
Florence, AL 35630
Term Exp: 4/18/10

Mamie Mahone
302 Joye Lane
Alabaster, AL 35007
Term Exp: 4/18/08

Tommy McKinnon
301 Brown Springs Road
Montgomery, AL 36117
Term Exp: 4/18/10

Jimmy Law
610 Botts Avenue
Troy, AL 36081
Term Exp: 4/18/10

David Wilbanks
2519 Overhill Road
Sylacauga, AL 35150
Term Exp: 4/18/07

George Smith
314 Vesclub Drive
Vestavia Hills, AL 35216
Term Exp: 4/18/08

THERE ARE 3 VACANCIES

RESPONSE TO SIGNIFICANT ITEMS



**State of Alabama Board of Examiners of
Assisted Living Administrators**

5921 Carmichael Road
Montgomery, Alabama 36117
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Amy Findley
Executive Director

Telephone: (334) 271-2418
Fax: (334) 271-2420

August 8, 2008

Mr. John Norris
Director, Operational Division
Department of Examiners of Public Accounts
P.O. Box 302251
Montgomery, AL 36130-2251

Dear Mr. Norris:

Listed below are the responses to the significant items found during the Review of Operations by the Department of Examiners of Public Accounts:

Significant item #1

The board's expenditures are exceeding its annual revenues. For the last four fiscal years, the board's expenditures have exceeded its receipts. (See financial schedule on page 14 and chart on page 15). As of May 31, 2008, the board's receipts were \$47,820. The board's disbursements for the same period were \$49,710.85, a deficit of \$1,890.85. On May 1, 2008, the board decreased the cost of its property lease with the Alabama Assisted Living Association by approximately \$700 a month (original \$1,196.67; current \$450). This decrease should offset the current deficit if receipts remain steady.

Response: As stated above, the board renegotiated their rental agreement with the Assisted Living Association of Alabama from \$1196.67 per month to \$450.00 per month. The board also implemented changes that reduced staffing costs by almost 31% annually.

Historically the license renewal cycle which drives revenue for the board is strongest during the month of August. Revenues are lowest during the month of October. (See attached license renewal chart on next page.)

Significant item #2

The board did not maintain records sufficient to verify information supplied for SMART Quarterly Performance Reports. In addition, annual performance data for the 2007 performance report was not provided. The Director of Finance implemented a system of budgeting named SMART, an acronym for Specific, Measurable, Accountable, Responsive, and Transparent. The SMART system requires each agency to

Board of Examiners of Assisted Living Administrators
Renewal Chart by Month

Month	NHA (\$75)	ALA (\$150)	Estimated Rev
Jan	4	13	\$1,950.00
Feb	11	28	\$5,025.00
Mar	8	31	\$5,250.00
April	4	21	\$3,450.00
May	3	43	\$6,675.00
June	4	21	\$3,450.00
July	4	25	\$4,050.00
August	12	92	\$14,700.00
Sept	2	22	\$3,450.00
Oct	0	4	\$600.00
Nov	0	23	\$3,450.00
Dec	1	16	\$2,475.00
TOTALS	53	339	\$54,825.00

Attaches to Significant Item #1

submit performance goals and objectives to the Department of Finance - the goals to be stated as long-term, multi-year targets, which are to be achieved through accomplishment of stated objectives, which are single-year targets. The agency reports its progress toward achievement of the objectives on annual Quarterly Performance Reports, which are available to the public at the state's Internet website.

<http://www.smartbudgeting.alabama.gov/FormsDownload/FormSelect.aspx>

Response: The Executive Director met with Meghan Matthews from SMART on July 11, 2008 and discussed some of the issues the agency was having with SMART. With the help of Meghan, the board should now comply with all SMART procedures and have all required documentation to back up the numbers that will be submitted in the future.

After looking into why the 2007 Performance Report was incomplete, the Executive Director reported to the auditor that the 2nd, 3rd and 4th quarter numbers were submitted, but an annual number could not be submitted due to 1st quarter numbers being inadvertently omitted.

Significant item #3

Prior Significant Item - The board leases office space from the Assisted Living Association for \$264 per square foot, a very high rate compared to other office space in the area leased by state entities. Prior to a decrease to \$264 per square foot that occurred on May 1, 2007 the board was leasing the space for \$420 per square foot. According to the Examiners of Public Accounts publication, Real Property Leased from Private Entities as of October 1, 2006, the average cost per square foot for office space in Montgomery is \$9.92. The board's lease includes a 10' x 10' furnished office including a computer and common space shared with the Assisted Living Association that includes a receptionist area and conference room.

Current Status The issue appears to be somewhat resolved. During 2007 fiscal year, the board re-negotiated its lease. The lease agreement included 115 square feet of private, 4 furnished, and equipped office space; 490 square feet of shared furnished board meeting space with audio/video equipment; 256 square feet of shared furnished reception area; dedicated facsimile, computer, telephone equipment, with local and long distance phone service; and high-speed internet connection at a price of \$14,360.04. The cost per square foot was \$124.87 based on the private space. On April 11, 2008, the board and the ALAA agreed to a lease amendment. Currently the board is paying \$450 a month rent (\$5,400 annually) to the association. Payments of \$450 began May 2008. The cost per square foot is now \$47 based on the private space. The rent includes all utilities and the use of other rooms in the building. The board has its own fax line, telephone line, and internet service, which are paid separately by the board. The board provides rental insurance on the equipment it utilizes, which the association owns. The average lease cost per square foot to the state (office space only) statewide is \$10.13. The average lease cost per square foot to the state (office space only) for the City of Montgomery is \$9.59.

Response: After our last Sunset Hearing (August 2007) the board took steps to find its own office building. A chart of available properties was presented to the board, but did

not have the adequate space needed. After negotiation with the Assisted Living

Association of Alabama, a separate office was built for the board (paid for by the Association) outside of the Association office. A total of 816 square feet is leased by the board. 115 square feet of the 816 is a private office, the other 701 square feet is shared which includes a kitchen, conference room, two bathrooms and common area. As stated above the \$450 rent includes all utilities. Based on the search the Executive Director did for office space, the rental rate of \$450 per month in the City of Montgomery appears to be reasonable.

Please do not hesitate to call me at (334) 271-2418 if you have any questions concerning these responses.

Sincerely,

A handwritten signature in black ink that reads "Amy Findley". The signature is written in a cursive, flowing style.

Amy Findley
Executive Director